

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

OJSC UKRNAFTA,

Plaintiff,

v.

CARPATSKY PETROLEUM
CORPORATION, a Delaware Corporation;
TAUREX RESOURCES PLC;
ROBERT BENSCH; and
KUWAIT ENERGY COMPANY, K.S.C.,

Defendants.

No. 4:09-cv-00891

ORAL ARGUMENT REQUESTED

**DEFENDANT CARPATSKY PETROLEUM CORPORATION'S MOTION FOR
SUMMARY JUDGMENT, RENEWED MOTION TO DISMISS,
AND MOTION FOR JUDGMENT UNDER RULE 54(b)**

Defendant Carpatsky Petroleum Corporation (“Carpatsky”) respectfully submits this Motion for Summary Judgment, Renewed Motion to Dismiss, and Motion for Judgment Under Rule 54(b). Carpatsky incorporates herein the accompanying memorandum of law, the Declarations of Myron Rabij and Robert Kry and accompanying exhibits, and the other papers previously filed in this action.

The Court should grant summary judgment in Carpatsky’s favor on all claims asserted in the Complaint filed by plaintiff OJSC Ukrnafta (“Ukrnafta”) (Dkt. 1-7) because each claim is precluded by findings made in the arbitral award this Court has now confirmed (Dkt. 53). Alternatively, the Court should grant summary judgment on those claims to the extent they relate to the RC Field and dismiss the claims to the extent they relate to the BB Field, either because they are inadequately pled or because they are subject to arbitration.

In the alternative, if the Court does not grant summary judgment or dismiss all of Ukrnafta's claims, the Court should enter a final judgment on its Order confirming the arbitral award pursuant to Federal Rule of Civil Procedure 54(b) (Dkt. 53). That Order is a final judgment for purposes of Rule 54(b), and there is no just reason for delay in enforcing the award.

Dated: February 2, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 2, 2018, the foregoing document and all supporting papers were filed and served on all parties by ECF.

/s/ Robert K. Kry
Robert K. Kry

CERTIFICATE OF CONFERENCE

I certify that on February 1, 2018, I conferred with Christian J. Ward of Yetter Coleman LLP, counsel for plaintiff Ukrnafta, regarding Carpatsky's Motion for Judgment Under Rule 54(b), and that Ukrnafta is opposed to the motion.

/s/ Robert K. Kry
Robert K. Kry